

unblocking position upon occurrence of a predetermined condition;
and

B3
cont

a nitinol wire actuator cooperating with said electronic control means and said blocking mechanism for causing said blocking mechanism to move to said unblocking position upon passing of current through said wire, under control of said control means.--

REMARKS

Claims 1-20 and 22-26 remain pending in this application. Claim 21 has been cancelled. Applicants acknowledge with appreciation the indication that claims 15, 16, 24 and 25 would be allowable if rewritten to include the limitations of the base claim and any intervening claims. Further reconsideration of this application is requested.

Initially, it is respectfully submitted that the finality of the outstanding Office action is premature and should be withdrawn, because of the presence of new grounds of rejection not necessitated by any amendment to the claims by applicant. In particular, the new rejection of claim 1 as being anticipated by Gokcebay et al., U.S. Patent No. 5,552,777 (Gokcebay), and the rejection of claims 7, 8 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Gokcebay in view of Aston, could not have been necessitated by amendment, since claim 1 was not amended in the response filed January 22, 1998. Further, Gokcebay is explicitly discussed in the specification as filed, at page 1 thereof. The

new grounds of rejection of claim 1 and claims 7, 8 and 12 appear to have been occasioned by a belated consideration of the Gokcebay reference by the Examiner. As such, the finality of the outstanding Office action is clearly premature and should be withdrawn.

The rejection of claims 1, 3 and 21 under 35 U.S.C. § 102(e) as being anticipated by Gokcebay is respectfully traversed to the extent that this ground of rejection may be applied to claims 1 and 3 now pending.

In particular, claim 1 requires a side bar cooperating between the shell and the barrel for selectively permitting and blocking rotation of the barrel with respect to the shell, and a blocking mechanism, located in the barrel, positionable in a blocking position relative to (or in contact with, as amended) the side bar. Claim 1 further requires an electrically activated drive mechanism cooperating with the blocking mechanism to selectively move the blocking mechanism from the blocking position to the unblocking position in which the side bar moves out of the cavity upon rotation of the barrel.

In contradistinction, in the Gokcebay lock the pin 38 is the only mechanism that moves and prevents the barrel from rotating. Upon activation of the solenoid 36, the pin 38 is retracted from hole 50, as shown in Fig. 4. Gokcebay fails to disclose a blocking mechanism positionable in a blocking position relative

to the pin 38. Upon actuation of the solenoid, the pin 38 is retracted, against the force of the spring 48. As such, the spring 48 clearly does not block motion or retraction of the pin 38, but merely biases the pin 38 to project into the hole 50. Further, claim 1 requires an electrically activated drive mechanism to selectively move the blocking mechanism so that the side bar moves out of the cavity upon rotation of the barrel. In contrast, in Gokcebay the solenoid merely retracts the pin 38, thereby allowing the barrel to rotate. There is no moving of a blocking mechanism to an unblocking position in which a side bar moves out of the cavity upon rotation of the barrel as set forth in claim 1. As such, the rejection of claims 1 and 3 as being anticipated by Gokcebay is not well-founded and should be withdrawn.

The rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Thordmark et al., U.S. Patent No. 5,542,274 (Thordmark) is respectfully traversed, to the extent that this ground of rejection is applied to claim 1 as amended, in view of the Examiner's remarks at page 5 of the outstanding Office action.

In particular, the Examiner states that she agrees with applicants' interpretation of the Thordmark reference, but asserts that the blocking element 11 moves relative to all other elements that are stationary at the time it is moved. While this

observation may be true, it does not correspond to the requirement in the claim that the blocking mechanism be positionable in a blocking position relative to the side bar, as originally set forth. The blocking mechanism 11 does not block motion of the side bar with respect to the shell, but instead blocks rotation of the barrel.

For example, motion of side bar 7 with respect to the shell is unblocked when side tumblers 5 are lifted by insertion of a proper key. That the side bar 7 will not be moved unless the mechanism 11 is retracted from the barrel, however, does not mean that mechanism 11 blocks motion of the side bar.

In any event, claim 1 has been amended to set forth that the blocking mechanism is located in the barrel and is positionable in a blocking position in contact with the side bar, as shown in Fig. 3A, to preclude the Examiner's interpretation of claim 1. Withdrawal of this ground of rejection is requested.

The rejection of claims 7, 8 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over Gokcebay in view of Aston, claims 13, 17-19, 21-23 and 26 as being unpatentable over Aston in view of Gokcebay, and claims 2, 4, 5, 6 and 9-11 as being unpatentable over Aston in view of Thordmark, are also respectfully traversed.

The Office action proposes to replace "the complex actuator" of Gokcebay with "a simple nitinol wire actuator like that taught

by Aston." This position is respectfully traversed. First, neither Gokcebay nor Aston disclose the features of independent claims 1 or 13; therefore, no combination of these references could result in the invention of claims 1 or 13, from which claims 7, 8 and 12 respectively depend. Second, there is no basis for the conclusion that the actuator of Aston is simple as compared with the actuator of Gokcebay. To the contrary, it would appear from a comparison of Gokcebay Fig. 6 with Fig. 1 of Aston that the device of Aston is in fact more complex than that of Gokcebay. In any event, there exists no teaching in either of the references to incorporate a shape memory alloy actuator within the barrel of a lock, or to have a blocking mechanism as set forth in claims 7 and 3.

There further exists no teaching, suggestion or motivation to relocate and reverse the parts of the Aston apparatus in view of the Gokcebay disclosure, as alleged in the Office action. The Examiner has not explained where in Gokcebay such a teaching is to be found, nor is there any explanation in the Office action as to how the components of Aston Fig. 1, which are larger than the entire plug 11, would be mounted within the plug 11 as alleged in the Office action.

The rejection based on the maintained proposed combination of Aston and Thordmark is again traversed, for the reasons of record at page 6 of applicants' prior response, incorporated

herein by reference. The Examiner has failed to respond to the substance of applicants' arguments, and as such applicants can do no more than repeat these arguments and request that in the event the Examiner still is not persuaded of the patentability of the claims, that the Examiner respond to the merits of these arguments so as to advance the prosecution of this application.

In view of the foregoing, favorable reconsideration of this application and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

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